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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
WILSON, YOLANDA L	

ART UNIT	PAPER NUMBER
2113	

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/603,949	PALENIK ET AL.	
	Examiner	Art Unit	
	Yolanda L. Wilson	2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 June 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14 and 16-35* is/are rejected.

7)☒ Claim(s) *15* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

2. Applicant is advised that should claim 7 be found allowable, claim 11 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

3. Applicant is advised that should claim 14 be found allowable, claim 17 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 16 recites the limitation "the transceiver". The limitation "the transceiver" is no located previously within claim 16 or the preceding claim 14; therefore; there is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1,2,4-7,9-11,19-22,25,26,28-30,33 are rejected under 35 U.S.C. 102(b) as being anticipated by Westell. As per claim 1, Westell discloses at the computer system, utilizing a computer-implemented application to perform one or more checks on the computer system and communications device; at the computer system, detecting from the one or more checks whether there is a problem related to operation of the communications device with the computer system; at the computer system, locating an error code corresponding to the problem detected from the one or more checks; and at the computer system, displaying the error code on pages 24-26, under the Diagnostics section. The computer implemented application is the diagnostics pages which contains all of the tests to be performed on the computer system for the modem. The error code is the message displayed after the test is performed.

8. As per claim 2, Westell discloses receiving a telephone call from a user of the computer system, wherein the user verbally provides the error code that is displayed;

and providing verbal technical assistance to the user over the telephone call, wherein the technical assistance is based on the error code provided by the customer on pages 47-48, under the Troubleshooting section.

9. As per claim 4, Westell discloses wherein the one or more checks includes checking operational parameters of the communications device on page 25, under the Diagnostics section.

10. As per claim 5, Westell discloses wherein the communications device is a digital subscriber line modem on page 25, under the Diagnostics section.

11. As per claim 6, Westell discloses at the computer system, locating a troubleshooting tip corresponding to the problem detected from the one or more checks; and at the computer system, displaying the troubleshooting tip on pages 44-48, under the Troubleshooting section.

12. As per claim 7, Westell discloses Westell discloses at the computer system, utilizing a computer-implemented application to perform one or more checks on the computer system and communications device; at the computer system, detecting from the one or more checks whether there is a problem related to operation of the communications device with the computer system; at the computer system, locating a troubleshooting tip corresponding to the problem detected from the one or more checks; at the computer system, displaying the located troubleshooting tip on pages 24-26, under the Diagnostics section and on pages 44-48, under the Troubleshooting section. The computer-implemented application is the diagnostics pages that contain all of the

tests to be performed on the computer system for the modem. The error code is the message displayed after the test is performed.

13. As per claim 9, As per claim 4, Westell discloses wherein the one or more checks includes checking operational parameters of the communications device on page 25, under the Diagnostics section.

14. As per claim 10, Westell discloses wherein the communications device is a digital subscriber line modem on page 25, under the Diagnostics section.

15. As per claim 11, Westell discloses Westell discloses at the computer system, utilizing a computer-implemented application to perform one or more checks on the computer system and communications device; at the computer system, detecting from the one or more checks whether there is a problem related to operation of the communications device with the computer system; at the computer system, locating a troubleshooting tip corresponding to the problem detected from the one or more checks; at the computer system, displaying the troubleshooting tip on pages 24-26, under the Diagnostics section and on pages 44-48, under the Troubleshooting section. The computer-implemented application is the diagnostics pages that contain all of the tests to be performed on the computer system for the modem. The error code is the message displayed after the test is performed.

16. As per claim 19, Westell discloses a display; a communications port; a communications device coupled to the communications port and to an external network; a processing device in communication with the display and the communication port, wherein the processing device executes an application that performs one or more

checks based on the interconnection of the communications port with the communications device and based on the interconnection of the communications device with the external network to detect whether a problem is present and wherein the application located information corresponding to a detected problem and displays the located information on pages 24-26, under the Diagnostics section and on pages 44-48, under the Troubleshooting section. The computer-implemented application is the diagnostics pages that contain all of the tests to be performed on the computer system for the modem. A display is needed to view the information on the diagnostics pages.

17. As per claim 20, Westell discloses wherein the located information is an error code for the problem on pages 24-26 under the Diagnostics section.

18. As per claim 21, Westell discloses wherein the located information is a troubleshooting tip on pages 44-48 under the Troubleshooting section.

19. As per claim 22, Westell discloses wherein the one or more checks includes checking operational parameters of the communications device on pages 24-26 under the Diagnostics section.

20. As per claim 25, Westell discloses wherein the communications device is a digital subscriber line modem on page 25 under the Diagnostics section.

21. As per claim 26, Westell discloses at the computer system, utilizing a computer-implemented application to perform one or more checks on the communications device, the one or more checks being performed by querying a dynamic information store of the communications device that is maintained by the communication device; at the computer system, detecting from the one or more checks whether there is a problem

related to operation of the communications device; at the computer system locating information corresponding to the problem detected from the one or more checks; and at the computer system, displaying the information on pages 24-26, under the Diagnostics section and on pages 44-48, under the Troubleshooting section. The computer-implemented application is the diagnostics pages that contain all of the tests to be performed on the computer system for the modem.

22. As per claim 28, Westell discloses wherein the information is an error code on pages 24-26 under the Diagnostics section. The error code is the message displayed.

23. As per claim 29, Westell discloses wherein the information is a troubleshooting tip on pages 44-48 under the Troubleshooting section.

24. As per claim 30, Westell discloses wherein the communications device is a digital subscriber line modem on page 25 under the Diagnostics section.

25. As per claim 33, Westell discloses at the computer system, utilizing a computer-implemented application to perform one or more checks on the communications device and external network connected to the communications device; at the computer system, detecting from the one or more checks whether there is a problem with the external network affecting operation of the communications device; at the computer system, locating an error code corresponding to the problem detected from the one or more checks; and at the computer system, displaying the error code on pages 24-26, under the Diagnostics section and on pages 44-48, under the Troubleshooting section. The computer-implemented application is the diagnostics pages that contain all of the tests

to be performed on the computer system for the modem. The error code is the message displayed.

26. Claims 14,17,18 are rejected under 35 U.S.C. 102(e) as being anticipated by Rango (USPN 6788705B1).

27. As per claim 14, Rango discloses at the computer system, utilizing a computer-implemented application to perform one or more checks on the communications device; at the computer system, utilizing the computer-implemented application to detect from the one or more checks whether there is a problem related to operation of the communications device that a re-start may solve; and at the computer system, utilizing the computer-implemented application to initiate the re-start of the communications device upon detecting that there is a problem that the re-start may solve in column 3, lines 9-32; lines 35-50.

28. As per claim 17, Rango discloses at the computer system, utilizing a computer-implemented application to perform one or more checks on the communications device; at the computer system, utilizing the computer-implemented application to detect from the one or more checks whether there is a problem related to operation of the communications device that a re-set may solve; and at the computer system, utilizing the computer-implemented application re-set the communications device upon detecting that there is a problem that the re-set may solve in column 3, lines 9-32; lines 35-50.

29. As per claim 18, Rango discloses wherein utilizing the computer-implemented application to detect form the one or more checks whether there is a problem related to operation of the communications device that a re-set may solve comprises re-starting

the communications device and detecting wither the re-start solved the problem in column 3, lines 9-32. The detection of whether the re-start solved the problem is when a connection with the modem is attempted.

Claim Rejections - 35 USC § 103

30. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

31. Claims 3,8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westell in view of Li et al. (US Publication Number 20040078708A1).

32. As per claims 3,8, Westell fails to explicitly state wherein the one or more checks includes checking a connection between the computer system and the communications device.

Li et al. discloses this limitation on page 2, paragraph 22, lines 10-15.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the one or more checks include checking a connection between the computer system and the communications device. A person of ordinary skill in the art would have been motivated to have the one or more checks include checking a connection between the computer system and the communications device because a determination as to whether or not a cable is properly connected to the computer and modem is made.

33. Claims 12,13,23,24,34,35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westell in view of Morgan et al. (USPN 6883118B2).

34. As per claims 12,23,34 Westell fails to explicitly state wherein the one or more checks includes checking for a response from a DNS server.

Morgan et al. discloses this limitation in column 7, lines 48-52.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the one or more checks include checking for a response from a DNS server. A person of ordinary skill in the art would have been motivated to have the one or more checks include checking for a response from a DNS server because sending a ping to the DNS server and detecting a response from the DNS server determines whether or not the server is functioning properly.

35. As per claims 13,24,35, Westell fails to explicitly state wherein the one or more checks includes checking for a response from an email server.

Morgan et al. discloses this limitation in column 7, lines 48-55.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the one or more checks include checking for a response from an email server. A person of ordinary skill in the art would have been motivated to have the one or more checks include checking for a response from an email server because sending a ping to the email server and detecting a response from the email server determines whether or not the server is functioning properly.

36. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rango in view of Westell.

37. As per claim 16, Rango discloses wherein the communications device is a digital subscriber line modem in column 3, lines 5-7.

Rango fails to explicitly state the problem that a re-start may solve is a failure of the transceiver to synchronize.

Westell discloses this on page 25 under the Diagnostics section.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the problem that a re-start may solve be a failure of the transceiver to synchronize. A person of ordinary skill in the art would have been motivated to have the problem that a re-start may solve be a failure of the transceiver to synchronize because failure of a modem transceiver is type of error that can occur when trying communicate with the ISP.

38. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Westell in view of Whatis.com.

39. As per claim 27, Westell fails to explicitly state wherein the dynamic information store is an XML page accessible from memory of the communications device.

Whatis.com discloses this on page 1.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the dynamic information store be an XML page accessible from memory of the communications device. A person of ordinary skill in the art would have been motivated to have the dynamic information store be an XML page accessible from memory of the communications device because XML is a language that is used to create a way for data to be displayed anywhere.

40. Claims 31,32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westell in view of Kaffine et al. (USPN 6654914B1).

41. As per claim 31, Westell discloses at the computer system, utilizing a computer-implements application to perform one or more checks on the computer system and communications device; at the computer system, detecting from the one or more checks whether there is a problem related to operation of the communications device with the computer system; at the computer system, locating an error corresponding to the problem detected from the one or more checks on pages 24-26, under the Diagnostics section and on pages 44-48, under the Troubleshooting section. The computer-implemented application is the diagnostics pages that contain all of the tests to be performed on the computer system for the modem. The error code is the message displayed.

Westell fails to explicitly state reporting the error code from the computer system to a remotely located computer system.

Kaffine discloses this limitation in column 4, line 62 – column 5, line 6.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have reporting the error code from the computer system to a remotely located computer system. A person of ordinary skill in the art would have been motivated to have reporting the error code from the computer system to a remotely located computer system because the user can obtain further help in trying to correct the errors that have occurred.

42. As per claim 32, Westell fails to explicitly state wherein reporting the error code from the computer system comprises reporting the error code by transmitting the error code from the communications device when the operation of the communications device when the computer system allows.

Kaffine discloses this limitation in column 4, line 62 – column 5, line 6.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have reporting the error code from the computer system comprise reporting the error code by transmitting the error code from the communications device when the operation of the communications device when the computer system allows. A person of ordinary skill in the art would have been motivated to have reporting the error code from the computer system comprise reporting the error code by transmitting the error code from the communications device when the operation of the communications device when the computer system allows because the user cannot send any information until the modem is working again.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yolanda L. Wilson whose telephone number is (571) 272-3653. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yolanda L Wilson
Examiner
Art Unit 2113